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IN THE

Supreme Court

Of The United States

OCTOBER TERM, 1974

(74-266)

STANLEY V. TUCKER
Petitioner

vs.

DAVID T. WIGGINS, ET AL.

Respondents

ON PETITION FOR
WRIT OF CERTIORARI
TO THE CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT
BRIEF FOR RESPONDENTS IN OPPOSITION

Richard M. Cosgrove, Esq.
Deputy Corporation Counsel
Counsel for Respondents
James P. Herlihy, Edward
Cowles and James P. Gorry
550 Main Street
Hartford ,Connecticut 06103

David J. Della-Bitta, Esq.
Assistant Attorney-General
Counsel for Respondents
David T. Wiggins and
Richard Woodhall
30 Trinity Street
Hartford, Connecticut 06115

SUBJECT INDEX

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Citations: .....

1. Cases:

a. *Central Manufacturing Co. v. B.M.K. Corporation*, 160 Fed. Supp. 318. 9

b. *Hagan v. Whitman* (CCA 9th, 1966) 356 F.2d 742 10

c. *MacNeil Bros. v. Forte* (CCA 1st, 1958) 253 F.2d 500. 10

d. *St. Marie v. U.S.* (CCA 9th, 1940) 108 F. 2d 876, Cert. denied 311 U.S. 652. 11

2. Miscellaneous:

a. Rule 2(c) Local Rules of Procedure for United States District Court, District of Connecticut. 12a

b. Rule 7, Local Rules of Procedure for United States District Court, District of Connecticut. 9

c. Rule 7, Federal Rules of Appellate Procedure. 9

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Prior Action

There has been no prior action by the Court in this matter.

Opinions Below

The decision delivered in the Court below is not as yet officially reported, but is appended to the Petition for a Writ of Certiorari. The Motion to Dismiss of the Respondents was granted on January 15, 1974, the Motion to Re-Open the Judgment of Dismissal was denied on July 29, 1974.

Jurisdiction

The Respondents do not question the jurisdiction as set forth in the petition.

QUESTIONS PRESENTED

Petitioner's Brief mistakes the nature of the questions to be reviewed. The issues are

1. Was notice mailed to the petitioner at the address on file with the Clerk of the District Court, which address had not been changed by the Petitioner, proper notice?

2. Where the Petitioner was required by order of the District Court to file a $250 cost bond for each Respondent, but thereafter Petitioner filed only a single $250 cost bond and filed no appeal bond, had the Petitioner complied with the requirements of Rule 7 of the Federal Rules of Appellate Procedure?

3. Where Petitioner filed no appeal bond, was Petitioner entitled to file a purported increase in bond after judgment of dismissal was entered by the Circuit Court?

4. Was Respondents' Motion to Dismiss properly granted when it alleged Petitioner failed to file bond for costs as required by Rule 7 of the Federal Rules of Appellate Procedure?

5. Did Respondents "waive" their right to file a motion for dismissal of the Petitioner's Appeal where such motion was filed one week after the receipt of the record which showed no appeal bond to have been filed and before the Petitioner mailed his Brief on January 8, 1974?

STATEMENT

The Petitioner has made a "Statement of Factual Background" a part of his petition for certiorari. This statement contains nothing which has ever been introduced in evidence before a court and its contents have no bearing on the questions presented in the petition for certiorari.

The facts as shown by the record are as follows:

1. The Petitioner's action was dismissed in the District Court for failure to state a claim upon which relief can be granted with costs to the defendants on October 16, 1973.

2. Prior to the dismissal and upon separate application by each of the Respondents, David T. Wiggins, Individually, David T. Wiggins, in his capacity as Director of State Department of Health for the State of Connecticut, Richard Woodhall, individually, Richard Woodhall, in his capacity as Assistant to the Director of the State Health Department, James P. Herlihy, individually, James P. Herlihy, as Senior Public Health Sanitarian for the City of Hartford, James P. Gorry, individually, James P. Gorry, as Chief Plumbing Inspector for the City of Hartford, Edward Cowles, individually, and Edward Cowles, as Housing Inspector for the City of Hartford, the Petitioner was ordered to file a $250.00 bond as security for costs.

3. Instead of ten $250.00 bonds as required by the foregoing orders, the Petitioner filed one $250.00 bond with the Clerk of the District Court for the District of Connecticut.

4. The address of the Petitioner on file with the Clerk of the District Court was 963 Capitol Avenue, Hartford, Connecticut.

5. No change of address was ever filed with the Clerk of the District Court.

6. On October 30, 1973, the Petitioner filed a Notice of Appeal to the Second Circuit Court of Appeals dated October 27, 1973.

7. On November 27, 1973, the Petitioner filed a Designation of Record and Statement of Issues.

8. On December 7, 1973, the Record On Appeal and Index To Record On Appeal was forwarded to A. Daniel Fusari, Esq., Clerk, United States Court of Appeals for the Second Circuit.

9. On said Record On Appeal, Stanley V. Tucker, pro se, 963 Capitol Avenue, Hartford, Connecticut, 06106, was shown as Attorney for the Plaintiff.

10. No appeal bond was shown on the Record On Appeal.

11. On December 14, 1973, the Respondents filed a Motion to Dismiss on the grounds that the appellant failed to file a bond for costs as required by Rule 7, Federal Rules of Appellate Procedure and a copy of this Motion was mailed postage prepaid to Stanley V. Tucker, 963 Capitol Avenue, Hartford, Connecticut, 06106.

12. On January 15, 1974, the Respondents' Motion to Dismiss was granted by the United States Court of Appeals for the Second Circuit.

13. On January 25, 1974, the Petitioner filed a Motion to Re-Open Judgment of Dismissal in the United States Court of Appeals for the Second Circuit.

14. On May 6, 1974, the Petitioner filed with the United States Court of Appeals for the Second Circuit, an "Application for Appellant's Voluntary Increase of Cost Bond On Appeal To Five Hundred Dollars and To Vacate The Order of Dismissal."

15. On July 29, 1974, the United States Court of Appeals for the Second Circuit denied the Petitioner's motion for Reinstatement of the Appeal.

ARGUMENT

I. A costs bond filed in the District Court does not meet the requirements of an appeal bond required under Rule 7 of the Federal Rules of Appellate Procedure.

On June 23, 1973, the Petitioner filed a cost bond with the Clerk of the United States District Court for the District of Connecticut. The Petitioner had been ordered to post a $250.00 bond for each defendant or bonds totaling $2,500.00. This the Petitioner did not do. Under Local Rule 7, each defendant is entitled to request a bond for costs in the amount of $250.00 and this bond has no bearing on a subsequent bond in the amount of $250.00 required under the provisions of Rule 7 of the Federal Rules of Appellate Procedure. The defendants would be within their rights in seeking execution against the bond filed by the Petitioner for costs in the District Court.

> "The costs of the trial court, upon judgment rendered, follow that judgment or are merged in it. In the absence of a supersedeas bond (under 73 (d)), the prevailing party below may issue execution against the defendant on his judgment and collect both judgment and costs. Even though the judgment be six cents and the costs substantial, they both may be collected by execution. Indeed, I assume if the judgment be merely for costs, such costs may be collected by execution."
>
> *Central Manufacturing Co. v. B.M.K.Corporation*, 160 Fed. Supp. 318, 321.

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>
> *Central Manufacturing Co. v. B.M.K.Corporation*, 160 Fed. Supp. 318, 321.

Under the provisions of Rule 7 (F.R.A.P.) only the costs of appeal are subject to the appeal bond, not district court costs, unless a supersedeas bond was filed. Rule 7 (F.R.A.P.) specifically sets out what the appeal bond shall contain. The cash bond filed by the Petitioner contained none of these requirements.

II. Notice mailed to Petitioner's address on file with the Clerk of the District Court constitutes good notice of Motion to Dismiss.

The Petitioner claims that he received no notice of the Respondent's Motion for Dismissal, although it was mailed to his address on file with the Clerk of the District Court. It should be pointed out that the Brief that Petitioner relies on to show that his address was different than that on file with the District Court Clerk, was filed in January, 1974, after the Motion to Dismiss was filed and he has offered nothing to show that he requested his mailing address to be changed. Local Rule 2 (c).

III. The Circuit Court may dismiss an appeal for failure to file an appeal bond.

The dismissal of an appeal where a bond or appeal has not been filed is a matter of discretion with the Court. See *Hagan v. Whitman*, 356 F.2d 742 (1966) CCA(9), *MacNeil Bros. v. Forte*, (CCA 1st, 1958) 253 F2d 500.

The Court of Appeals for the Second Circuit not only reviewed this matter on the original motion to dismiss, but reviewed it a second time on the Petitioners motion to reopen the judgment of dismissal.

In conclusion, it might be pointed out that in the case of *St. Marie v. U.S.* (9th CA) 1940, 108 F2d 876, Cert. denied 311 U.S. 652, the Court did not state that failure to file a cost bond is not ground for dismissal of appeal where no specific relief is asked on this score and where there is no showing of disadvantage to the appellees. On the contrary, the court in its opening specifically stated it was not considering this question because it had not been raised.

The Petitioner failed to follow the rules in both the District Court and the Circuit Court of Appeals. He has been denied none of his rights.

CONCLUSION

For the reasons stated above, Respondents say that a Petition for Writ of Certiorari should be denied.

Respectfully submitted,

Respondents

David J. Della-Bitta, Esq.
Assistant Attorney-General
Counsel for Respondents,
David T. Wiggins and
Richard Woodhall.

Richard M. Cosgrove, Esq.
Deputy Corporation Counsel
Counsel for Respondents
James P. Herlihy, Edward
Cowles and James P. Gorry.

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Supreme Court
Of The United States

OCTOBER TERM, 1974

(74-266)

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vs.

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Respondents

ON PETITION FOR
WRIT OF CERTIORARI
TO THE CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT
APPENDIX FOR RESPONDENTS
IN OPPOSITION

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
OFFICE OF THE CLERK
FEDERAL BUILDING
NEW HAVEN 06508

SYLVESTER A. MARKOWSKI
CLERK

FRANCES J. CONSOLO
DEPUTY-IN-CHARGE
NEW HAVEN

December 7, 1973

A. Daniel Fusaro, Esq.
Clerk, United States Court of Appeals
for the Second Circuit
United States Courthouse
Foley Square
New York, New York

RE: Stanley V. Tucker vs. David T. Wiggins, et als
CIVIL NO. 15,574

Dear Mr. Fusaro:

Enclosed is the Record on Appeal in the above-entitled case, along with two copies of the Index for receipting purposes.

Very truly yours,

SYLVESTER A. MARKOWSKI
CLERK

BY_____
Deputy in Charge

W/C/m
Encls.
cc: Mr. Stanley V. Tucker,
Robert K. Killian, Esq.
F. Michael Ahern, Esq.
David J. Della-Bitta, Esq.
Richard M. Cosgrove, Esq.
Mr. David C. Wiggins
Mr. Richard S. Woodhull
Mr. Edward Cowles
Mr. James P. Harlihy
Mr. James J. Gorry

CIVIL DOCKET
UNITED STATES DISTRICT COURT

15574

M. Joseph Blumenfeld

Jury demand date: Jan. 26, 1973 by Plaintiff

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
STANLEY V. TUCKER vs. DAVID T. SHOCKEN, Individually and in his capacity as Director State Health Department for the State of Connecticut; RICHARD WOODHALL, Individually and in his capacity as Assistant to the Director of the State Health Department for the State of Conn.; JAMES F. HARTIGAN, Individually and in his capacity as Senior Public Health Sanitarian for the City of Hartford; EDWARD COWLES, Individually and in his capacity as Housing Inspector for the City of Hartford; JAMES P. GERRY, Individually and in his capacity as Chief Plumbing Inspector for the City of Hartford DEFENDANTS: (Cont'd) Richard S. Woodhall, Pro se - Individual Assistant Director State Health Dept. 79 Elm Street Hartford, Conn. Edward Cowles, Pro se - Individual James P. Hartigan, Pro Se - Individual James J. Gerry, Pro se - Individual	For plaintiff: Stanley V. Tucker, pro se 651 Central Avenue Hartford, Conn. 06106 For defendant: Robert K. Killian (For: David T. F. Michael Ahern Wiggins & Richard David J. Della-Ricca Woodhall) 90 Trinity Street Hartford, Conn. 06115 Richard M. Cosgrove (For: Hartigan Cowles & Gerry) Deputy Corporation Counsel 550 Main Street Hartford, Conn. 06103 David C. Wiggins, pro se - Individual Director, State Health Dept. 79 Elm Street Hartford Conn.

STATISTICAL RECORD	COSTS			DATE 1973	PROCEEDINGS	REC.		CODE	
JS 6 mailed	Clerk			1/29	Stanley V. Tucker	15	00		
JS 6 mailed	Marshal			1/31	Deposit: C.F.100369			15	00
Basis of Action: Declaratory Judgment action brought pursuant to 42 USC §§ 1983 and 1985(3), seeking	Docket fee			10/30	Stanley Tucker (Appeal)	5	00		
	Witness fees			10/31	Deposit: C.F.100869			5	00
Action arose when: deprivation of alleged violation of Constitutional rights by defendants in enforcing various State Statutes concerning property owned by Plaintiff. $225,000.	Depositions								

All of the 3-Judge District Court

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
OFFICE OF THE CLERK
FEDERAL BUILDING
NEW HAVEN 06505

SYLVESTER A. MARKOWSKI
CLERK

FRANCES J. CONNOLLY
DEPUTY-IN-CHARGE
NEW HAVEN

December 7, 1973

A. Daniel Fusaro, Esq.
Clerk, United States Court of Appeals
for the Second Circuit
United States Courthouse
Foley Square
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SYLVESTER A. MARKOWSKI
CLERK

BY_____
Deputy in Charge

M/C/m
Enclos.
cc: Mr. Stanley V. Tucker,
Robert K. Killian, Esq.
F. Michael Ahern, Esq.
David J. Della-Bitta, Esq.
Richard M. Cosgrove, Esq.
Mr. David C. Wiggins
Mr. Richard S. Woodhull
Mr. Edward Cowles
Mr. James P. Herlihy
Mr. James J. Gorry

CIVIL DOCKET
UNITED STATES DISTRICT COURT

15574

M. Joseph Blumenfeld

Jury demand date: Jan. 26, 1973 by Plaintiff

TITLE OF CASE	ATTORNEYS
STANLEY V. TUCKER vs. DAVID T. WIGGINS, Individually and in his capacity as Director State Health Department for the State of Connecticut; RICHARD WOODHALL, Individually and in his capacity as Assistant to the Director of the State Health Department for the State of Conn.; JAMES P. HARLIBY, Individually and in his capacity as Senior Public Health Sanitarian for the City of Hartford; EDWARD COWLES, Individually and in his capacity as Housing Inspector for the City of Hartford; JAMES P. [illegible], Individually and in his capacity as Water Plumbing Inspector for the City of Hartford (ON DEFENDANTS: (Cont'd) Richard S. Woodhall, Pro se - Individual Assistant Director State Health Dept. 79 Elm Street Hartford, Conn. Edward Cowles, Pro se - Individual James P. Harliby, Pro Se - Individual James J. Gorry, Pro se - Individual	For plaintiff: Stanley V. Tucker, pro se 953 Capitol Avenue Hartford, Conn. 06106 For defendant: Robert K. Killian (For: David T. F. Michael Ahern Wiggins & Richard David J. Della-Rizza Woodhall) 50 Trinity Street Hartford, Conn. 06115 Richard M. Cosgrove (For: Harliby, Deputy Corporation Counsel Cowles & Gorry) 550 Main Street Hartford, Conn. 06103 David C. Wiggins, pro se - Individual Director, State Health Dept. 79 Elm Street Hartford Conn.

STATISTICAL RECORD	COSTS			DATE 1973	NAME OR RECEIPT NO.	REC.		DISB.	
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JS. 6 mailed	Marshal			1/31	Deposit: C.F.100869			15	00
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	Witness fees			10/31	Deposit: C.F.100869			5	00
Action arose at: deps.as for alleged violation of Constitutional rights by defendants in enforcing various State Statutes concerning property owned by Plaintiff. $225,000. Also 28 U.S.C. 3-Judge District Court	Deposition								

DATE	PROCEEDINGS	Date Order or Judgment Note
1973		
1/26	Complaint, Jury Trial Demand and Petition for Three Judge Court, filed at Hartford. Summons issued and together with copies of same and of complaint, jury demand and Petition, handed to the Marshal at Hartford for service.	
2/13	Marshal's Return Showing Service, filed.-Summons & Complaint.	
"	Brief in Support of Application for Three-Judge Court, filed by plaintiff at Hartford.	
2/13	Application to Convene a Three-Judge District Court "Over to Feb. 20th". Blumenfeld, J. M-2/14/73	
2/21	Appearance of Robert K. Killian, Atty. General and F. Michael Ahern and David T. Della-Bitta, Asst. Attys. Generals entered for defendants David T. Wiggins, Director of State Health Dept. and Richard Woodhall, Asst. to Director in their official capacities.	
2/23	Appearance of Richard M. Cosgrove, Deputy Corporation Counsel, entered for defendants James P. Herlihy, Edward Cowles and James P. Cory.	
2/26	Plaintiff's Application to Convene a Three-Judge District Court "over two weeks". Blumenfeld, J. M-2/27/73	
"	Stipulation for Enlargement of Time, filed and granted. Blumenfeld, J. M-2/27/73 Time for defendants to file responsive pleading extended until March 21, 1973. Copies mailed to all counsel.	
3/12	Plaintiff's Application to Convene a Three-Judge District Court "Off". (Asst. Atty Gen. David J. Della-Bitta appeared and stated parties had agreed to enlargement of time). Blumenfeld, J. M-3/14/73	
3/22	Motion to Dismiss and Notice of Motion, filed at Hartford and given to Judge Blumenfeld.	
3/26	Hearing on Application to Convene a Three-Judge District Court. Decision Reserved. One week for defendant to file brief and one week for plaintiff to respond. Blumenfeld, J. M-3/27/73	
4/4	Motion for More Specific Statement, Notice of Hearing and Memorandum of Law, filed by Plaintiff.	
4/2	Amended Motion to Dismiss, filed by defendants at Hartford. ( )	
"	Brief in Opposition to Application for Three-Judge Court filed by defendants at Hartford.	
4/9	Plaintiff's Motion for More Specific Statement "Off". Blumenfeld, J. M-4/10/73	
"	Application (Ex Parte) with Notice to Defendants for Enlargement of Time to Respond to Defendant's Brief in Opposition to Application for Three Judge Court, filed by Plaintiff.	
"	Motion to Sever, Notice of Motion and Supporting Brief, filed by Plaintiff.	
4/10	Plaintiff's Motion for More Specific Statement, endorsed as follows: "Off - defendant's brief sets out the grounds of dissent." Blumenfeld, J. M-4/12/73. Copies mailed to all counsel and to plaintiff.	
4/10	Letter dated April 9, 1973 from plaintiff to Judge Blumenfeld, re Brief in Support of Motion to Dismiss and Application for Three Judge Court, filed.	
4/28	Request for Entry of Default against defendants David T. Wiggins, Individually, James P. Herlihy, Individually, Edward Cowles, Individually and James P. Cory, Individually for failure to appear or plead, filed by Plaintiff pro se.	

(Cont'd.)

STANLEY V. TUCKER v. DAVID T. WIGGINS, Ind. and as Director State Health Department, et als

DATE 1973	PROCEEDINGS	Date Order or Judgment Noted
4/16	Default entered under Rule 55(a) as to defendants David T. Wiggins, James P. Herlihy, Edward Cowles and James P. Corry, all individually only. Markowski, C. M-4/16/73 Copies to Plaintiff and counsel.	
4/18	Appearance of Robert K. Killian, Atty. General, F. Michael Ahern and David J. Della-Bitta, Asst. Attys. General entered for defendants David T. Wiggins and Richard Woodhall.	
"	Appearance of Richard M. Cosgrove, Deputy Corporation Counsel entered for defendants James P. Herlihy, Edward Cowles and James P. Corry.	
"	Motion to Set Aside Default and Notice of Motion, filed by defendants David T. Wiggins and Richard Woodhall.	
4/30	Hearing on (1) Plaintiff's Motion to Sever; (2) Defendants' Motion to Set Aside Default. Decision Reserved on Both Motions. Blumenfeld, J. M-5/2/73.	
5/4	Order endorsed on Plaintiff's Motion to Sever, as follows: "In view of the pendency of the plaintiff;s motion to convene a three-judge district court, action on this motion to sever will be deferred until after disposition of that motion." Blumenfeld, J. M-5/7/73 Copies mailed from Hartford to Plaintiff, Asst. Atty Gen Della-Bitta and to Corp. Counsel Cosgrove.	
"	Order endorsed on Defendants' Motion to Set Aside Default, as follows: "No prejudice having inured to the plaintiff, the defendants' motion to set aside the default is granted for good cause shown." Blumenfeld, J. M-5/7/73 Copies mailed from Hartford to Plaintiff, Asst. Atty Gen. and to Corp. Counsel.	
5/15	Motion of Attorney General and Asst. Attorney General to Withdraw Appearance for defendants David T. Wiggins and Richard Woodhall in their individual capacities only, and Notice of Motion, filed.	
5/15	Appearance of David C. Wiggin entered pro se with respect to his individual capacity.	
"	Appearance of Richard S. Woodhull, entered pro se with respect to his individual capacity.	
5/17	Motion of Richard M. Cosgrove, Deputy Corporation Counsel, for Permission to Withdraw Appearance for Defendants James P. Herlihy, Edward Cowles, and James P. Corry, in their individual capacities only, and Notice of Motion, filed.	
5/17	Appearances (3) of James P. Herlihy, Edward Cowles and James J. Corry entered pro se with respect to their individual capacity.	
5/29	Hearing on (1) Motion of Atty. General Killian and Asst. Atty. General Ahern to Withdraw Appearance for Defendants David T. Wiggin and Richard Woodhall in their individual capacities only; (2) Motion of Richard M. Cosgrove to Withdraw His Appearance for Defendants Herlihy, Cowles and Corry, in their official capacities only. "Granted" Blumenfeld, J. Copies mailed to all counsel.	
5/14	[illegible] Motion to Dismiss and in opposition to application for Three-Judge Court, filed by defendants David C. Wiggin and Richard S. Woodhull.	
"	Motion to Dismiss as to Pro Se Defendants, filed by David C. Wiggin and Richard S. Woodhull, individually.	
"	Request to Clerk for Security for Costs pursuant to Local Rule 7, filed by defendant [illegible] Woodhull, individually.	
"	Request to Clerk for Security for Costs pursuant to Local	

DATE 1973	PROCEEDINGS	Date Order or Judgment Noted
	Rule 7, filed by defendant David T. Wiggins, individually.	
6/14	Request that Plaintiff deposit cash bonds or bond with sufficient surety in the sum of $250.00 as security for costs, filed by Defendants David T. Wiggins, in his capacity as Director of the State Health Department for the State of Conn.; and Richard Woodhall, in his capacity as Assistant to the Director of the State Health Department for the State of Connecticut.	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (David T. Wiggins, in his capacity as Director of State Health Dept. for the State of Conn.)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (Richard Woodhall, in his capacity as Assistant to the Director of the State Health Dept.)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (Richard S. Woodhall, individually Richard Woodhall, individually)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/14/73. Copies mailed. (David C. Wiggin, individually David T. Wiggins, individually)	
6/15	Request that Plaintiff deposit cash bonds or bonds with sufficient surety in the sum of $250.00 as security for costs, filed by defendants James P. Corry, in his capacity as Senior public health sanitarian for the City of Hartford; Edward Coules in his capacity as Housing Inspector for the City of Hartford; and James J. Curry in his capacity as Chief Plumbing Inspector for the City of Hartford.	
"	Request that Plaintiff deposit cash bond or bond with sufficient surety in the sum of $250.00 as security for costs, filed by defendant Edward Coules, individually.	
"	Request that Plaintiff deposit cash bond or bond with sufficient surety in the sum of $250.00 as security for costs, filed by defendant James J. Curry, individually.	
"	Request that plaintiff deposit cash bond or bond with sufficient surety in the sum of $250.00 as security for costs, filed by [illegible]	
6/18	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (Edward Coles, individually)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (Edward Coles, as Housing Inspector for the City of Hartford)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6 18/73. Copies mailed. (James J. Corry, individually)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (James P. Cory , as Chief Plumbing Inspector for the City of Hartford)	
"	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C.	

(continued)

D. C. 110 Rev. Civil Docket Continuation STANLEY V. TUCKER v. DAVID T. WIGGINS, Ind. and as Dir. etc.

1973	PROCEEDINGS State Health Department et al	Date Order or Judgment Noted
	M-6/18/73. Copies mailed. (James P. Herlihy, individually)	
6/18	Order entered that plaintiff file a bond with sufficient surety in the sum of $250.00 pursuant to Rule 6. Markowski, C. M-6/18/73. Copies mailed. (James P. Herlihy, as Senior Public Health Sanitarian for the City of Hartford)	
6/26	Cash bond in the amount of $250.00 deposited into the Registry of the Court. (filed by Plaintiff)	
6/25	Plaintiff's Brief in Opposition to Motions to Dismiss on File and Plaintiff's Supplemental Brief in Support of Application for Three-Judge Court, filed at Hartford.	
6/27	Pro-Se Defendants' (David T. Wiggins and Richard Woodhall) Motion to Dismiss as to Pro-Se Defendants, endorsed as follows: "Off." Blumenfeld, J. M-6/27/73. Copies mailed.	
7/16	Motion for Extension of Time for Filing of pleadings until September 15, 1973 and Notice of Motion, filed by defendant.	
9/10	Hearing on (1) Application for Three Judge Court; and (2) Defendants' Motion to Dismiss. Decision Reserved. Blumenfeld, J. M-9/13/73	
10/12	Ruling on Motion to Dismiss, entered. The motion to dismiss the complaint for failure to state a claim upon which relief can be granted (Rule 12(b)(6), F.R.C.P., is granted.(*) The entire complaint is hereby ordered dismissed. Blumenfeld, J. M-10:15/73 copies mailed. (*Plaintiff's application for a three-judge court denied and that portion of his complaint is dismissed)	
10/16	Judgment entered that this action is dismissed for failure to state a claim upon which relief can be granted, with costs to the defendants. Markowski, C. M-10/16/73 Copies mailed.	
10/30	Notice of Appeal, filed by Plaintiff. Copies mailed.	
11/27	Designation of record and Statement of Issues, filed by plaintiff.	

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STANLEY V. TUCKER	:	
VS.	:	
	:	CIVIL NO. 15,574
DAVID T. WIGGINS, ET ALS	:	

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APPENDIX B

Rule 7.

BOND FOR COSTS ON APPEAL IN CIVIL CASES

Unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking which includes security for the payment of costs on appeal, in civil cases a bond for costs on appeal or equivalent security shall be filed by the appellant in the district court with the notice of appeal; but security shall not be required of an appellant who is not subject to costs. The bond or equivalent security shall be in the sum or value of $250 unless the district court fixes a different amount. A bond for costs on appeal shall have sufficient surety, and it or any equivalent security shall be conditioned to secure the payment of costs if the appeal is finally dismissed or the judgment affirmed, or of such costs as the court of appeals may direct if the judgment is modified. If a bond or equivalent security in the sum or value of $250 is given, no approval thereof is necessary. After a bond for costs on appeal is filed, an appellee may raise for determination by the clerk of the district court objections to the form of the bond or to the sufficiency of the surety. The provisions of Rule 8(b) apply to a surety upon a bond given pursuant to this rule.

APPENDIX C

Rule 2

(c) *Local Office.* No member of the bar of this court who does not have an office for the transaction of business in person within the District of Connecticut and no visiting lawyer admitted specially under Rule 2(e) not having an office for the transaction of business in person within the District of Connecticut shall appear as attorney or proctor of record in any cause without specifying on the record a member of the bar of this court having an office within the District of Connecticut, upon whom service of all papers shall be made.

Any party appearing *pro se* must (1) give the address within the District of Connecticut where service can be made in the same manner as service is made on an attorney or (2) designate in writing the clerk of the court to receive service and give the clerk an address where service can be forwarded.

APPENDIX D

Rule 7

SECURITY FOR COSTS; BOND ON REMOVAL

(a) *Costs.* At any time after the commencement of an action, each defendant is entitled on request to the clerk to an order to be entered by the clerk, as of course, for a deposit or bond with sufficient surety in the sum of $250.00 to be given within thirty days from the entry of such order. Additional or other security or justification of financial responsibility by any surety may be ordered by the court at any time during the pendency of the action for good cause shown on motion duly noticed.